MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

MARCH 4, 2014

INVOCATION:
Carl Nielsen of Bethel Lutheran Church gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Boysen led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Patino called the meeting to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, Deputy City Manager Lara, Police Chief Martin, Fire Chief Orr, Director of Recreation and Parks Posada, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Visé, and Chief Deputy City Clerk Garietz.

1. PROCLAMATIONS/PRESENTATIONS:

A. PROCLAMATION – BOYS AND GIRLS CLUB MONTH
The person accepting the Proclamation was unable to attend the meeting. This item will be presented at the March 18, 2014, Council Meeting.

2. PUBLIC COMMENT PERIOD (NOT TO EXCEED A TOTAL OF 15 MINUTES):
Linda Muranaka, representing Tunnel Elementary School, thanked the City for their donation of 160 computers. She read a thank you letter from a student at Tunnel School and passed along several handwritten thank you letters from the students.

Raul Ceja spoke in opposition to the ICE Facility. He expressed concerns about the potential effect on local farmers and families.

Minga Ceja spoke in opposition to the ICE Facility and expressed concerns about potential problems she believes could impact children and families, while increasing racism in the community.

Tara Presley, representing Unity in the Community, thanked the City Council, local non-profits, and City staff for their support of the recent walk. She indicated that, despite the rain, more than 1,000 people participated in the Unity Walk.

3. CONSENT CALENDAR:
Councilmember Zuniga requested that Items 3G and 3H be pulled for comment.

Item 3G – Supplemental Law Enforcement Agreement
Councilmember Zuniga asked for an explanation of the costs associated with the agreement, specifically what is included in personnel expense and how the City calculates administrative costs.

Director of Administrative Services Visé responded that departmental overhead costs support the police officer staff, supplies, and services, including police vehicles. The overall cost is about 30 percent.

Item 3H – Street Maintenance (Chip Seal) Bid No. 2013/03
Councilmember Zuniga asked about the $244,000 additional expense above what the Council had originally approved for the project. She also wondered why the Recreation and Parks Department would be the department requesting restriping the surface of the JCPenny parking lot.

City Manager Haydon responded that the budgeted project originally brought before City Council for the Chip Seal was supported by $919,000 in budgeted revenue. The amount that was awarded was $601,000. The change order will be reimbursed by the annual property tax assessment of the Stowell Center Plaza owners. The Recreation and Parks Department is in charge of the maintenance of the Stowell Center Plaza, thus the request came from them.

Consent Calendar Items 3A through 3I were approved on motion by Councilmember Orach, seconded by Councilmember Zuniga, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Special Meeting of February 13, 2014, were approved as submitted.

C. MINUTES
The Minutes of the Regular City Council Meeting of February 18, 2014, were approved as submitted.

D. REVISIONS TO RECORDS RETENTION SCHEDULE
Resolution No. 2014-14 was adopted approving revisions to the Citywide Records Retention Schedule contained in the adopted Document Management Program.

Resolution No. 2014-14 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING REVISIONS TO THE CITYWIDE RECORDS RETENTION SCHEDULE.

E. WARRANTS
Warrant Nos. 184983 to 185277 totaling $1,952,350.58 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 180395, 184745, and 184984 were cancelled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. SUPPLEMENTAL LAW ENFORCEMENT SERVICES FOR THE SANTA MARIA AIRPORT
Resolution No. 2014-15 was adopted approving an agreement for Supplemental Law Enforcement Services between the City and the Santa Maria Public Airport District.

Resolution No. 2014-15 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT FOR SUPPLEMENTAL LAW ENFORCEMENT SERVICES BETWEEN THE CITY OF SANTA MARIA AND THE SANTA MARIA PUBLIC AIRPORT DISTRICT

H. NOTICE OF CONTRACT COMPLETION
The City Council approved a Notice of Contract Completion for the Street Maintenance (Chip Seal), Bid No. 2013/03, and directed the Chief Deputy City Clerk to record the same.

I. NOTICE OF CONTRACT COMPLETION
The City Council approved a Notice of Contract Completion for Union Valley Parkway Phase III, Bid No. 2012/02, and directed the Chief Deputy City Clerk to record the same.

PUBLIC HEARING:

4. 2014 TECHNICAL AMENDMENTS TO THE SANTA MARIA MUNICIPAL CODE. City Attorney Trujillo gave a presentation as detailed in the written Council Agenda Report. Staff is recommending various technical amendments to the Santa Maria Municipal Code relating to personnel, smoking, speed limits, storm water regulation, public projects, and library rules of conduct. The proposed ordinance would amend the City's personnel ordinance to add definitions, clarify procedures for recruitments, specify the number of holiday hours per year to be designated as floating time for 32-hour part-time personnel, and make other non-substantive clarifications. It would also specify that using an e-cigarette comes within the definition of smoking. The ordinance update will establish or amend prima facie speed limits on several City streets. Subsection (a)(3) of Section 8-12A.04 of the Code would be amended to modify the City's date for compliance with the Regional Water Quality Control Board's post-construction storm water management requirements for

development projects. Section 8-16.03(b) of the Code would be amended to comply with the provisions of Labor Code Section 1782, relating to payment of prevailing wages. This amendment is intended to place the City in full compliance with the requirements of SB 7 (2013) and any successor legislation. The Bill requires Charter Cities to pay prevailing wages if State funding is received for a construction project. On February 20, 2014, six charter cities filed suit against the State challenging this legislation. The City of Santa Maria will keep a close watch on the outcome. Section 8-17.04 will be amended to describe proper supervision of children (under the age of 13 years) in the library Rules of Conduct.

City Attorney Trujillo thanked recent retiree, Wendy Stockton, who volunteered her time to complete the annual technical amendments project.

Public Input

Anthony Parker spoke in opposition to the smoking amendment that would include e-cigarettes under the definition of smoking. His concern was that changing the status of e-cigarettes would lead to increased prices/taxes to purchase them.

Larry Hislop spoke in opposition to the smoking amendment. He was concerned about classifying e-cigarettes as cigarettes when people are trying to quit smoking and e-cigarettes are a popular alternative for them.

Frank Compston spoke in opposition of the smoking amendment equating electronic cigarettes with tobacco cigarettes as they are vapor-based and much safer for one's health. He indicated that the e-cigarettes seem to meet the needs of smokers who are trying to quit. He does not support any limitations to their use.

David Lake spoke in opposition to the smoking amendment. He encouraged people who are trying to quit to explore the e-cigarette.

Deborah Shoults expressed concern about the e-cigarette being re-classified under the definition of smoking as she does not want to have to be in a designated smoking area with other smokers who are using tobacco.

Jonathan O'Nan said he believes e-cigarettes are a life-saving alternative for those who cannot quit smoking on their own. He urged Council not to include e-cigarettes in the same category as cigarettes.

Aimy O'Nan indicated that by classifying e-cigarettes as cigarettes, former smokers will be exposed to second-hand smoke as they will have to smoke in designated areas with tobacco smokers.

Joshua Robles, representing Central Coast Vapors Club, spoke in opposition to classifying e-cigarettes as cigarettes. He emphasized the fact that e-cigarettes do not expose anyone to second-hand smoke. He stated they are much healthier than cigarettes and should be in their own category.

Brian Robles indicated that he is a co-founder of the Central Coast Vapors Club, and spoke in opposition to defining e-cigarettes as a cigarette. He requested that the Council consider an open discussion on the matter, and not take a vote on the smoking portion of the ordinance this evening.

Dawn Dunn, manager of the Tobacco Prevention Settlement Program with the Santa Barbara County Public Health Department, said e-cigarettes are much less harmful than cigarettes, but still contain approximately ten products that are unhealthy, whereas cigarettes contain over seventy unhealthy products. Buellton, Los Angeles, and several high school districts have recently passed the same amendment. She supports the decision to amend the ordinance.

Dalia Smith, a student at Hancock College, spoke of health issues she experiences when she smells e-cigarettes and regular cigarettes. She helps people quit smoking and does not believe that e-cigarettes are helpful to people who want to quit.

Council discussion

City Attorney Trujillo clarified that the City was not banning e-cigarettes, only adding e-cigarettes to the definition of smoking thus prohibiting their use in City facilities and in enclosed public places, such as the library and restaurants.

Councilmember Orach asked whether e-cigarette smokers would indeed be required to join tobacco smokers in the same designated areas.

City Attorney Trujillo said that if the amendment is passed, people who use e-cigarettes will be able to continue to use them anywhere except inside City facilities and enclosed public places.

Councilmember Boysen commented that, as an ex-smoker, he appreciates how hard it is to quit smoking. He reminded smokers that there are good resources available to help them quit smoking. His concern was that addicts have figured out a way to load e-cigarettes with their own drug of choice. He also indicated that he was concerned that e-cigarettes are marketed with flavors that appear to be targeted at children. He reiterated that fact that City was not proposing to ban the use of e-cigarettes, just prohibiting their use in enclosed public places.

Councilmember Green commented that smoking is a health issue and everyone should be mindful when smoking around others.

Ordinance No. 2014-02 approving the 2014 Technical Amendments to various sections of the Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Boysen, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2014-02 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO PERSONNEL, SMOKING, SPEED LIMITS, STORMWATER REGULATION, PUBLIC PROJECTS, AND LIBRARY RULES OF CONDUCT.

REGULAR BUSINESS:

5. CALPERS EXCEPTION TO THE 180-DAY WAIT PERIOD. City Attorney Trujillo gave a presentation as detailed in the written Council Agenda Report. One of the provisions of the Employees' Pension Reform Act of 2013 governs post-retirement employment for retirees. CalPERS retirees must wait 180 days pursuant to Government Code sections 7522.56 and 21224 before they can be rehired by a CalPERS employer provided the work is of a limited duration in a retired annuitant-designated position, the time worked is 960 hours or less in a fiscal year, hourly pay is within the salary schedule for the position, and no additional compensation or benefits are paid. One exception to these rules allows an employer to employ a recent retiree before the expiration of the 180-day wait period if the governing body certifies through the adoption of a resolution that the appointment is necessary to fill a critical need position, prior to the expiration of the 180-day wait period. Staff is requesting that City Council allow Ms. Wendy Stockton, retired Senior Assistant City Attorney/Utilities Counsel, to fill a critically needed role in the City Attorney's office. After 25 years of service with the City, Ms. Stockton has invaluable institutional knowledge and experience in all facets of municipal government, and the necessary experience, education, and skills to help complete long-term projects she was working on prior to retiring. Ms. Stockton's duties will include completing the following critically needed projects: Affordable Housing Agreement; Freeway Off-Site Sign Agreement; Montiavo Development Agreement; Annual Municipal Code Technical Update; La Vigna Easement Proposal; Conoco-Phillips Hydrocarbon Proposal; Storm Water Regulation Implementation; and other long term projects. Ms. Stockton has the necessary experience, education and skills to complete these tasks in a timely manner.

Public input.
There were no requests to speak.

Council discussion.
There was no Council discussion.

City Attorney Trujillo once again thanked Ms. Stockton for her time and talents in helping to complete projects while the City Attorney's office continues to look for a replacement for her position.

Resolution No. 2014-16 was adopted approving a resolution for the CalPERS exception to the 180-day wait period for Wendy Stockton, retired Senior City Attorney/Utilities Counsel, pursuant to

Government Code Sections 7522.56 and 21224 on motion by Councilmember Boysen, seconded by Councilmember Zuniga, and carried on the following vote:

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2014-16 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A RESOLUTION FOR THE CALPERS EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224.

6. REVIEW OF THE PROPOSED 2014-16 CITYWIDE GOALS. City Manager Haydon gave a presentation as detailed in the written Council Agenda Report. He reported that staff and City Council met with Jan Perkins, from Management Partners, to formulate the citywide goals for the upcoming budget cycle. Ten goals were deemed essential during the next two years: 1) continue to focus on the fundamentals of City government; 2) improve community aesthetics, include code enforcement activities in neighborhoods; 3) fund the next phase of the Police Department relocation and communication system; 4) develop alternative revenue sources; 5) focus Measure U2012 funds on police and fire activities. Items that were deemed as important priorities were identified as 6) continue revitalization efforts in the downtown area; 7) continue attention on the homelessness and panhandling issue; 8) shift more CDBG funding into fundamental city facilities and infrastructure; 9) start rebuilding the Local Economic Augmentation Fund (LEAF) reserves; and 10) facilitate access to broadband to improve the ability to attract businesses.

Public input.
There were no requests to speak.

Council discussion.
Councilmember Boysen wanted to make sure it was understood that the list of items on the Goal Setting report was not necessarily in order of priority. They are all equal in terms of priority.

Councilmember Zuniga commented on the CDBG funding and noted the money would be coming from Capital funding, not from essential services, so non-profit funding would not be impacted by the goal. She appreciated the process of developing the goals, in particular, the opportunity to work together with staff to create the list.

Councilmember Orach also enjoyed spending the day working with staff.

Councilmember Green said he hoped there would be more opportunities in the future to work with staff in a group setting.

Mayor Patino thanked staff for putting together the goal-setting workshop.

REPORT BY CITY MANAGER:
City Manager Haydon reported there will be a Special Meeting on Wednesday, March 12, 2014, at the Santa Maria Fairpark, 937 S. Thornburg Street in Santa Maria, to discuss the appeals for the proposed Immigration & Customs Enforcement (ICE) facility at 740 West Century Street. The next Council Meeting will be March 18, 2014, and will include a Retirement Resolution for Tommy Avalos who will be retiring from the Recreation & Parks Department; the volunteer of the month with the Recreation and Parks Department; the second reading of the 2014 Technical Amendments ordinance; the 2014 Weed Abatement Program; a Measure U2012 Oversight Committee Annual Report and press release regarding the Annual Report; a Heritage Subdivision Improvement Agreement; and a Closed Session regarding the recent appeal presented to Council.

Director of Community Development Appel introduced new Planning Division Manager, Mr. Peter Gilli. Mr. Gilli comes from Mountain View where he was the zoning administrator for seven years.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS):
Councilmember Boysen reported that he toured the Colorado River and Hoover Dam with Director of Utilities Sweet. The Colorado River serves over 19 million customers in Southern California from Ventura to San Diego. The trip was put on by the Water Education Foundation of California.

Councilmember Green reported that he attended the 55th Commencement Ceremony with the Substance Abuse Treatment Center where sixteen graduates were celebrated. Mr. Green also walked in the Unity Prayer Walk from the Library to the Fairpark.

Councilmember Orach thanked the public for the well-wishes for his wife, Mary Ellen, during her recovery following hip replacement surgery.

Mayor Patino reported that she attended the Santa Barbara County Association of Governments (SBCAG) monthly Board meeting where a few Santa Maria residents talked about some of the un-met transit needs. She said their concerns are being taken into consideration with the appropriate City departments. Topics of her meetings this month included water, the American Legion, mobile restaurants, etc. She took Ben Miller, a reporter with the Santa Maria Times, on a tour of the City. She also met with the California Women for Agriculture at their monthly luncheon. In addition, she was on the Rick Blaemire Radio Show with Larry Lavagnino, visited Taylor School where she read books to the students, and walked in the Prayer Walk.

ADJOURNMENT:
There being no further business to come before the City Council at this time, Mayor Patino declared the meeting of the City Council adjourned at 7:53 p.m. in memory of Harvey Lobo who recently passed away at the age of 80. He had worked for the City of Santa Maria for many years and for several local contractors and will be missed.

APPROVED:

March 18, 2014
Date

Rhonda M. Garietz
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST:

Rhonda M. Garietz, CMC
Chief Deputy City Clerk